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The Rise in Disabled Consciousness or Why It Could Only Happen in Northern California

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504 protests

There have always been large numbers of people with disabilities living throughout the United States. At present, it is estimated that there are approximately thirty million.¹ There have always been some charitable and service organizations to meet some of the needs of some disabled people and particularly during the last decades, the number of disabled organizations has grown rapidly as the bureaucracy of government service agencies has expanded. But until very recently there had never been a large and effective social movement which bridged the gaps between different disabilities, spanned the coasts, and continually spawned groups who prodded for disabled rights and services (what Jenkins and Perrow call groups acting in insurgent fashion).² With so many disabled people, why was there no social movement of the disabled?

To answer this question to understand the long-time absence of a general social movement we must look to the one area in the United States where a disabled social movement first developed, Berkeley, California. This paper will focus on what was unique about the Berkeley experience, as well as the more general factors which worked to encourage the mobilization of the disabled.

Legislative Background

Because there has not been a general social movement of the disabled, doesn't mean there hasn't been legislation to provide "services for the handicapped." There has. The main thrust of the Congressional acts however was not civil rights but vocational rehabilitation and, judging from the dates

of the major acts, the congressional aim seems to have been largely one of accommodating the returning wounded GI's. In fact, accommodating the returning soldier was the specific purpose of the first bills introduced in Congress (1917, and 1918), and of the Smith-Fess Act (P.L. 11-236) which passed and was signed by President Woodrow Wilson in 1920. This first of a series of rehabilitation acts, included provisions for the industrially handicapped as well, and each client was eligible for training, counseling and placement services. In 1935, the program became permanent with the passage of the Social Security Act.

WWII brought the next major changes in the rehabilitation program (P.L. 73-113). Medical, surgical and other restorative services were authorized and the bill included for the first time the mentally ill and mentally retarded.

Then, during the Korean Peace talks, Congress passed P.L. 83-565, improving the financial arrangements of matching moneys to induce states to improve their programs; and, in 1968, as the Vietnam War escalated, Congress passed P.L. 89-333 designed to expand and enlarge public programs for the handicapped. Services were again expanded in 1967 and 1968 (P.L. 90-341) but it wasn't until the 1973 Vocational Rehabilitation Act that we have a major change in legislative philosophy.

In 1973, the major achievement of the Vocational Rehabilitation Act (P.L. 93-112), was not that it provided vocational rehabilitation but that it provided a commitment to the rights of the disabled. Although not fully appreciated then, the 93rd Congress was therefore responsible for a significant, far-reaching, and potentially revolutionary change (at least philosophically) in the status of the disabled. The revolution was wrought in a one-sentence long section of the bill, "section 504" which read:

"No otherwise qualified handicapped individual in the United States, shall

solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

The wording of section 504 copied closely the language of section 601 of Title VI of the 1964 Civil Rights Act which, like race and sex, provided that disability could no longer be used as a bona fide reason for discrimination. And similar to race and sex, passage of a law did not, by itself, guarantee implementation and compliance.

It is important to note that the 1973 Vocational Rehabilitation Act was not at first heralded as a break-through piece of civil rights legislation. All the press attention and debate seemed to be rivited on the struggle between the Nixon White House and Congress over spending. In fact, Nixon vetoed the bill twice, (the third, cut version, passed) and a Washington Post editorial characterized its unfortunate history by saying, "All in all this appears to be a meritorious bill which has become a pawn in the bitter struggle between an obstinate Congress and an equally stubborn President."³

In terms of news coverage, what little attention was focused on the bill's content, rather than its political or financial aspects, was generally condescending in tone and not infused at all with a civil rights perspective. For example, Senator Humphrey reacted to the Nixon veto with, "It's just a goddamn outrage. It's a day of infamy for the White House. It's an example of the President ganging up on the lame, the sick, the blind and the retarded."⁴ And Representative John Brademas, The House Manager of the bill said about the impending vote to override the Presidential veto that he didn't believe that there were many Congresspeople who "would want to vote against the crippled more than once in a session."⁵ [italics added]

That is not to say that there was no lobbying pressure from the physically disabled and their supporters. There were thirty-five organizations lobbying to override Nixon's veto including the AFL/CIO, UAW, Easter Seals, and State Mental Health Departments.⁶ There were some demonstrations in New York City, and, in D.C., more than 200 people with disabilities mostly from the annual meeting of the President's Committee on Employment of the Handicapped and the United Cerebral Palsy Association, held a day-long protest ending with a candlelight vigil at the Lincoln Memorial.⁷ Also, there was a Washington Post article which in passing, touched on the "rights" issue by warning that it was "time to stop treating the disabled as 'second rate citizens.'"⁸ Nevertheless, at this time, although some disabled were seeing their goal as a civil rights one, the civil rights aura in general did not touch the Vocational Rehabilitation Act. It was to publicly express itself a few years later, however, in the struggle for implementation of section 504.

During 1975 and 1976, the Office of Civil Rights delayed implementing the 504 regulations first with an inflationary impact study and then with countless meetings with groups across the country including ten town meetings held in May and June 1976.⁹ Even after HEW composed a final form for 504 "regs" (as they were later to be referred to) ignoring a federal court order to do so,¹⁰ the secretary of HEW did not sign them.

Under the new administration, President Jimmy Carter's HEW did not move any faster. HEW Secretary Joseph Califano delayed signing the implementing regulations so that his staff could re-write them.¹¹ Then during February and March 1977, it became clear that more than mere cosmetic changes were being considered by HEW and disabled groups started to plan action¹² to prevent Califano from building into the regulations, "loopholes, waivers and exemptions."¹³

The Takeover

The American Coalition of Citizens with Disabilities (ACCD) an umbrella lobbying group representing 45 groups, and based in Washington, DC, was created in 1974 as a result of the disabled lobbying efforts to pass the 1973 Vocational Rehabilitation Act. In March, 1977, ACCD threatened political activities nation-wide in a letter to President Carter in which they gave Secretary Califano a deadline of April 4, 1977 to sign the regulations, "to bring his line agencies on-board and to begin preparation of an extensive compliance/enforcement program."¹⁴ Disabled groups across the country were asked to prepare for protest demonstrations.

The Berkeley Center for Independent Living (CIL) spearheaded the creation of a "504 Coalition" in their area, the Bay Area, which included the Independent Living Project in San Francisco and 30 or so disabled and supporting groups. By late March, the Northern California Emergency Coalition was already explicitly threatening protest demonstrations and sit-ins.¹⁵

Demonstrations were scheduled to take place on April 5 at HEW buildings in ten different cities. Only in Washington, DC and San Francisco however, were the demonstrations and sit-ins worthy of note (in New York, for example, only six showed up to demonstrate), and only the San Francisco sit-in had a policy impact. In Washington, 300 people with disabilities demonstrated and 50 to 75 people (estimates vary) remained overnight on the sixth floor of the HEW building where Secretary Califano's office was located.¹⁶ The G.S.A. wanted to oust the Washington demonstrators, but Califano and other HEW officials insisted that "no force" be used. Instead, they were starved out. The next day, having been allowed only one cup of coffee and a doughnut, those who sat-in decided to leave as a group rather than trickle out, and a "band of blind, deaf or otherwise disabled," demonstrators left the HEW building

after only 28 hours of occupation.¹⁷ The Washington demonstrators got neither community support nor support from government officials.

The Los Angeles sit-in lasted three days. Preparation began in March at meetings attended by 7 or 8 people held at the Westside Center for Independent Living. Then, on April 5 between 40 and 50 demonstrators showed up for their scheduled rally outside the HEW building, and approximately 15 disabled people entered the building for the purpose of sitting in. The demonstrations had some support from local Church groups and food was provided by friends of those who were sitting in. They had some political support as well. The second night, before the federal employees left the building, officials were threatening that the disabled demonstrators would be removed by police. Congressman Tony Bielsen, of the 23rd Congressional district gave them a haven in his own office in HEW preventing any police action. Ed Roberts, Director of California's Rehabilitation Department was also there giving support. Nevertheless, the Los Angeles demonstrators did not have general community support nor did they have complete support from disabled groups. The California Association of Physically Handicapped, for example refused to get involved in their struggle. During the week, no new people joined the sit-in, no new community support was forthcoming, and the sit-in did not generate a growing momentum.¹⁸ They left the building on Friday, April 8, announcing:

When we left the demonstration, we did not have the organizational support to provide food and medical supplies over the weekend, when the doors would be closed to all people coming in and out. Friday afternoon all disabled people and supporters were denied access to the building. There were no attendants for the severely disabled demonstrators, and at that time we could get none into the building for the weekend. These restrictions, imposed on us suddenly, were a complete policy reversal by the Federal Security Officers.¹⁹

In San Francisco, the experience of the demonstrators was quite different. Strategy meetings were held in March at Berkeley's Center for Independent

Paternalism The real danger was that the government's generosity would work against a social movement for paternalistic welfare feeds a welfare mentality and militates against a move from recipient to actor. As Turner suggests, "Individuals and groups who are totally dependent upon a dominant group are those least likely to challenge the propriety of their situation."⁷⁷ Thus, the government's paternalistic generosity might have undermined a social movement of the disabled had there been no four year delay in the signing of the "regs." The government legitimized a goal and then by not implementing it, created a situation in which they forced the disabled to struggle for it. Heumann says of the effect the delay had on inspiring the struggle, "It was so perfectly laid out."

Of course, the Bay Area sit-in offers an even more obvious example of elite legitimization for the cause of Civil Rights for the disabled. Locally, politicians and state officials seemed to be tripping over each other in the rush to endorse the disabled cause. Support from the State administration and Assembly in Sacramento, from the city mayor and Board of Supervisors and even from San Francisco HEW workers and officials legitimized the sit-in and ennobled their cause with an official stamp of approval. Berkeley was the only city in which elite legitimization happened on such a grand scale. *Berkeley*

The government, however not only helped legitimize, it also generally facilitated the development of a social movement of the disabled.⁷⁸ The government did so with its numerous government conferences, by recruiting supporters, building leaders, facilitating corporate action, giving information and, especially after Califano signed the regulations, by providing funding. In fact, the federal government played the facilitator role even before the 1973 act was passed. After all, the 1973 Washington vigil, held in support of the bill, was made up mainly of participants from a federally-sponsored annual conference, the President's Committee on Employment of the Handicapped.

The government continued to plant the seeds for a social movement after the 1973 Act was passed by playing a facilitating role. After the passage of The Vocational Rehabilitation Act, meetings and hearings continued to be held in Washington and all across the country.⁷⁹ These meetings not only brought people out, they brought together people with different disabilities. In a sense, the effect of the government's activities was recruitment and consciousness-raising.

And even after the 504 regulations were signed in 1977, the federal government continued to play the facilitating role in two important ways. First, the government facilitated the movement because the law itself gives the movement focus; as one participant now candidly admits, "the direction of the movement is overseeing that laws are enforced."⁸⁰ And second, the federal government facilitated the movement by funding it. A nation-wide federally funded 504 training program, designed to teach disabled people about their rights under 504 has reached five thousand disabled people in the West and Midwest, eight thousand in the rest of the country.⁸¹ In fact, the 504 Training Workshops is now really a form of movement recruitment and so the federal government is actually funding recruitment. As one 504 training participant describes it:

One of the big things now is getting disabled folks to know they have these rights . . . all these 504 trainings all over the country . . . we teach them what their rights are, we also teach them how to organize and become radical. That's the hidden agenda. We teach them how to do coalition work which means to coalesce with other folks with other disabilities.⁸²

To say that the federal government legitimized and facilitated the disabled social movement is not to say that the government caused the social movement. It did not. A movement blossomed in Berkeley because only there did you have the backdrop of independent living ideology that was so important for a change of consciousness, and only there did you have communication

...reports strongly in place and ready to be activated. The Federal Government
...erely contributed to the development of a social movement; but the
contribution was important.

The Vocational Rehabilitation Act of 1973 legitimized a vision of social
integration for the disabled. The government's delay in implementing the law
helped integrate the disabled into the tradition of civil rights struggles.
standing out as a measure of that success is the fact that today in the Bay Area,
police paddy wagons are wheelchair accessible.